



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 12, 2000

Paul DiMare
P. O. Box 900460
Homestead, FL 33090

RE: MUR 5161

Dear Mr. DiMare:

On November 28, 2000, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that contributions to any candidate and his or her authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000 are a violation of 2 U.S.C. § 441a(a)(1)(A). You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter. If you have any questions, please contact Eric Brown, the staff member assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink that reads "Darryl R. Wold". The signature is written in a cursive, flowing style.

Darryl R. Wold
Chairman

Enclosure
Factual and Legal Analysis

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**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

MUR: 5161

RESPONDENT: Paul DiMare

I. GENERATION OF MATTER

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2).

II. FACTUAL AND LEGAL ANALYSIS

A. Law

The Federal Election Campaign Act of 1971, as amended, ("the Act") provides that no person shall make contributions to any candidate's authorized committee with respect to any election for federal office which, in the aggregate, exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A). Contributions which on their face or when aggregated with other contributions from the same contributor exceed the Act's contribution limitations shall be refunded within 60 days, redesignated, or reattributed. 11 C.F.R. §§ 103.3(b)(3); 110.1(b)(2); 110.1(k)(3).

B. Analysis

The Commission's audit of Lincoln Diaz-Balart for Congress Committee ("the Committee"), undertaken in accordance with 2 U.S.C. § 438(b), revealed that Paul DiMare made contributions to the Committee for the 1998 primary election which exceeded the contribution limitation by \$1,000. *See* 2 U.S.C. § 441a(a)(1)(A). The contributions were not refunded, redesignated, or reattributed within the relevant time periods. 11 C.F.R. §§ 103.3(b)(3);

21-04405-1066

110.1(b)(2); 110.1(k)(3). Therefore, there is reason to believe that Paul DiMare violated
2 U.S.C. § 441a(a)(1)(A).

21-04-405-1067